

REMARKS

Applicant has cancelled claims 37-63 as set forth above. In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The Office asserts under 35 U.S.C. 121 the above-identified patent application is subject to a restriction to either: Group I - Claims 1-2, 7-14, 19-26, 31-36, drawn to a system, method, and computer-readable medium of providing content to a client system, classified in class 709, subclass 203; or Group II - Claims 37-63, drawn to a system, method, and computer-readable medium of determining a current data transfer rate, classified in class 709, subclass 232. Additionally, the Office asserts claims 3-6, 15-18, 27-30 link the inventions in Groups I and II.

Accordingly, Applicant hereby elects the invention of Group I, claims 1-36, without traverse. Applicant has included claims 3-6, 15-18, 27-30 (which the Office asserts link the inventions) in elected Group I because as set forth in MPEP §809, "The linking claims must be examined with, and thus are considered part of, the invention elected."

In view of all of the foregoing, Applicant submits that this case is in condition for allowance and such allowance is earnestly solicited

Respectfully submitted,

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